

RECEIVED MAR 11 1992

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Fannie Lewis,

Plaintiff

v.

Secy Health & Human Services,

Defendant

Case No. 1:89CV0632

Magistrate Judge David Perelman

MEMORANDUM OPINION AND ORDER

A motion has been filed by plaintiff's counsel captioned "Motion for Final Judgment and EAJA Application."

In that motion it is represented that, consequent to this Court's Order of Remand of October 9, 1990, "The agency on remand has granted plaintiff's disability." Based upon that representation "plaintiff requests entry of a judgment pursuant to 42 U.S.C. §405(g) reversing the Secretary's original administrative decision, and affirming the new decision."

In conjunction with that request counsel has filed an application for an award of fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(a)(d).

The difficulty this Court has in dealing with this motion is that it does not have appended the Secretary's final determination granting plaintiff benefits. While this Court has no reason to doubt counsel's representation that such an award has been made, if this Court is going to enter a final judgment affirming such determination this Court must know what that judgment is to

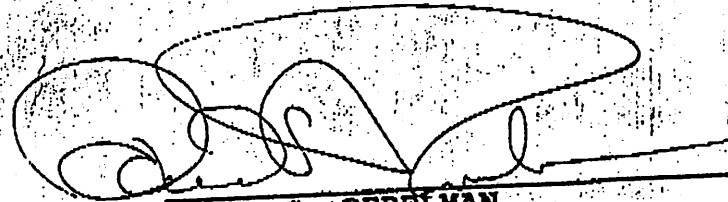
encompass.

In addition, this Court believes that being apprised of the particulars of the proceedings upon remand could bear upon the issue of entitlement to an EAJA.

Therefore, this Court directs plaintiff's counsel to forward copies of the plaintiff's benefits award, the decision of the Appeals Council granting such benefits and of the ALJ upon remand.

Defendant's time to respond to the instant motion shall begin to run upon receipt by the United States Attorney of copies of such submissions.

IT IS SO ORDERED



DAVID S. PERELMAN
United States Magistrate Judge

DATED: March 6, 1992